

Application Serial No. 10/064,720

Attorney Docket No. 086142-0533

**REMARKS**

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 1-16 were pending. Claims 1 and 10 have been amended. No claims are canceled or added. Accordingly, claims 1-16 are respectfully resubmitted for further consideration.

The allowance of claims 5 and 6 is noted with appreciation.

Claims 1-4 and 7-16 were rejected in the Office Action. Claims 1, 2, 4, 7, 8, 10, 11, 15 and 16 were rejected over DE 42 27 780 ("Prinz"). Claims 1, 3, 8-10, 12-14, and 16 were rejected over U.S. Patent No. 5,908,222 ("Wier"). Applicants respectfully traverse each of these rejections.

The rejections should be withdrawn, because neither reference discloses, teaches or suggests the claimed invention. For example, neither reference discloses, teaches or suggest a pretensioner including "a bent tubular member comprising a linear portion having an approximately constant inner diameter ... wherein the piston is configured to move only within the linear portion" as called for in claims 1 and 10.

Prinz fails to anticipate or render obvious the claimed invention because (a) the linear portion of Prinz' bent tubular member (*i.e.*, base 16) in which the piston 22 moves does not have an approximately constant inner diameter, as evidenced by the screw threads that join the base 16 to the cylinder 20; and (b) cylinder 20 is not a bent tubular member and does not have an approximately constant inner diameter, as evidenced by the upper tapered portion of the cylinder 20. Similarly, Wier discloses a piston 12 that moves in a clearly curved portion of the 10, *i.e.*, the piston 12 does not move "only" within a linear portion. Thus, neither Prinz nor Wier discloses, teaches, or suggests each of the limitations of claims 1 and 10 and the rejections should be withdrawn.

Each of claims 2-4, 7-9, and 11-16 depend from either claim 1 or claim 10 and, therefore, are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations contained therein. Accordingly, a withdrawal of the rejections of claims 1-4, 7-9-16 is both warranted and earnestly solicited.

Application Serial No. 10/064,720

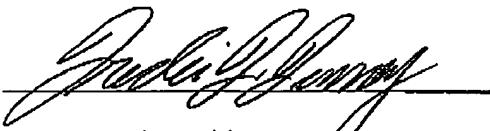
Attorney Docket No. 086142-0533

For the aforementioned reasons, claims 1-16 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

Date APR 25 2005

By



Howard N. Shipley  
Registration No. 39,370

Frederic T. Tenney  
Registration No. 47,131

Attorneys for Applicants

Customer Number: 22428  
FOLEY & LARDNER LLP  
3000 K Street, N.W.  
Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.